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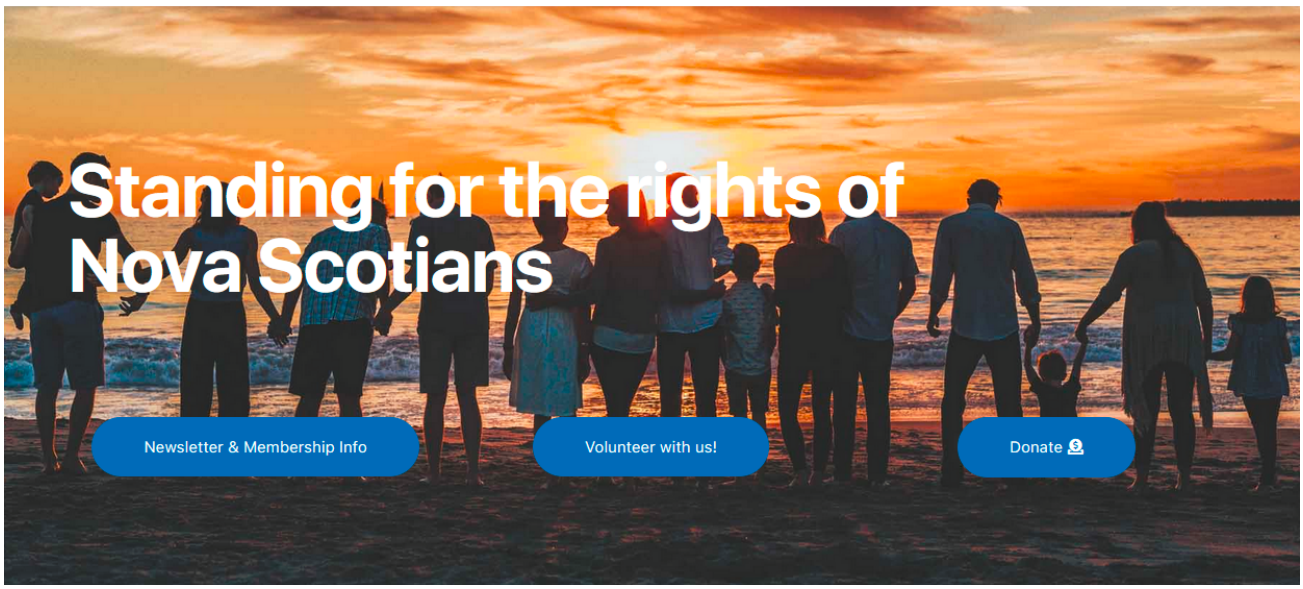
FEBRUARY 4, 2026 BY RONNIE

Citizens Alliance Of Nova Scotia (CANS) Has Case Dismissed For Mootness



SUPREME COURT OF NOVA SCOTIA
Citation: *Citizens Alliance of Nova Scotia v. Nova Scotia (Health and Wellness)*, 2026 NSSC 21

Date: 20260120
Docket: Yar No. 510031
Registry: Yarmouth

Between:
Citizens Alliance of Nova Scotia and J.M., by his Litigation Guardian K.M.
Applicants

v.

Robert Strang acting as Chief Medical Officer of Health of Nova Scotia and Michelle Thompson acting as Minister of Health and Wellness of Nova Scotia and the Attorney General of Nova Scotia representing Her Majesty Queen in Right of the Province of Nova Scotia
Respondents

Decision

CANS, the Citizens Alliance of Nova Scotia, has had their Application for Judicial Review dismissed for "mootness" by the Nova Scotia Supreme Court. This concerns a 2021 case filed to challenge the dictates issued by Robert Strang, Nova Scotia's "Medical Officer of Health". He had banned gatherings and public assemblies (among other things) under the guise of safety.

For context, the Nova Scotia Court of Appeal had previously found that the basic freedoms of residents had been infringed.

Quite simply, it's apparently not worth the time or expense to hear the case. Since none of the related orders are currently in force, Justice John A. Keith won't hear a challenge to their legality.

The Judge heard arguments for the Motion in December, 2024, and took over a year to render a decision. He also took several months before ruling on public interest standing. On the bright side, at least costs were not ordered.

This ruling gives off some serious "CSASPP vibes", where litigants were kept waiting far longer than necessary.

2 Separate Motions: Public Interest Standing & Mootness

In early 2024, CANS sought public interest standing in their case, which would have enabled them to seek far greater remedies. It was denied.

> [35] I will deal first, and separately, with CANS' ***request for an Order prospectively banning any attempt by a future provincial government (or its representative)*** to legislatively impose "anything but a voluntary immunization program at any time".

> [36] I ***do not find that this aspect of the claim raises a serious justiciable issue. The Court does not address challenges based on hypotheticals or conjectural scenarios that may or may not come to pass***. The Courts determine disputes involving real people and real facts as demonstrated through existing evidence. They do not stray into decisions based on what might happen in the future but has not yet occurred. The claims and complaints of a litigant must almost always be anchored in existing facts to help ensure that "… the issue will be presented in a sufficiently concrete and well-developed factual setting" (Downtown Eastside Sex Workers at para. 51. See also Alberta Union of Public Employees v. Her Majesty the Queen (Alberta), 2021 ABCA 416 at paras. 27 – 30).

Justice Keith didn't see it as worthwhile to prevent Strang (or his successor) from attempting something similar in the future. He stated that it was "speculative" or "predictive" to pursue litigation based on what someone *may* do. Of course, that sidesteps the concern that these things had already been done.

He also referred to CANS as "…a fledging organization which materialized recently and in response to certain actions taken by the government (or its representatives) during the pandemic".

After that, the Government filed a Motion to get the case thrown out for "mootness". The stated rationale is that these measures no longer exist, and it's not worthwhile to hear the case. It was granted. The usual reasons were given, such as there being a limited amount of resources for the Court to use.

CANS wasn't after money, just assurances that the rights of citizens would be protected from similar conduct in the future.

Timeline Of Major Events In Case

October 27th, 2021: Citizens Alliance of Nova Scotia files Application for Judicial Review in Yarmouth County.

March 24th, 2022: The minor co-Applicant JM (full name redacted) through his litigation guardian KM joined in the Application for review.

Due to a number of delays resulting from CANS' former counsel, activity was repeated pushed back. They eventually ended up representing themselves.

August 25th, 2023: CANS files to obtain public interest standing.

January 24th, 2024: Motion on public interest standing is argued in Supreme Court.

February 1st, 2024: Final submissions are made on public interest standing.

August 8th, 2024: Public interest standing is refused.

December 6th, 2024: Mootness Motion is argued in Court.

July 19th, 2025: Additional submissions are filed with the Court on mootness.

January 20th, 2026: Case is thrown out for "mootness".

Refiling As A Claim For Damages?

Apparently, group members have discussed the possibility of appealing. But there is something else. From the Motion on public interest standing, there was an interesting section from the Judge:

> [74]
> I note:
> 1. ***All parties recognize that CANS and J.M. have standing as a private entity to pursue at least aspects of the claim. Thus, there is no dispute that both CANS and J.M. have private litigant standing to assert that the Impugned Orders are ultra vires***. In addition, while the Respondents appears to dispute whether the allegations of additional bad faith are sustainable, these reasons should not be interpreted as saying that either CANS or J.M. lack private litigant standing to proceed on that aspect of the claim. The only matter before me is CANS application for public interest standing. This decision is limited solely to the unique considerations which bear upon that issue and should not be used or interpreted for any other purpose. Those issues may come forward at another time. For present purposes, the point is that this decision on public interest standing will not determine whether the proceeding moves forward or fails entirely. ***Neither CANS nor J.M. will be shut out entirely or precluded from advancing their specific, personal interests***;

Although public interest standing, and the Application overall, are dead in the water, there is another possibility. Claims for damage could be filed. Of course, given how long it takes to get a response, how long would that take.

It's frustrating to see another case that won't be heard on the merits — at least in its current form. The self-represented members of CANS clearly put a lot of work into their documents.

COURT DOCUMENTS (MOOTNESS MOTION):
(1) CANS Walsh Affidavit Mootness Motion
(2) CANS Milburn Affidavit Mootness Motion
(3) CANS Hipson Affidavit Mootness Motion
(4) CANS Hipson Affidavit Mootness Motion More Attachments
(5) CANS Government Arguments Mootness Motion
(6) CANS Applicants Arguments Mootness Motion
(7) CANS Government REPLY Arguments Mootness Motion
(8) CANS Decision On Mootness
(9) https://www.canlii.org/en/ns/nssc/doc/2026/2026nssc21/2026nssc21.html

COURT DOCUMENTS (PUBLIC INTEREST STANDING):
(1) CANS Applicants Brief For Public Interest Standing Augst 25 2023

(2) CANS Applicants Book Of Authorities August 25 2023
(3) CANS Respondents' Brief respecting Public Interest Standing Motion
(4) CANS Applicants Rebuttal Brief For Public Interest Standing Motion November 20 2023
(5) CANS Applicants Book Of Documents Volume 1 Of 2 December 11 2023
(6) CANS Applicants Book Of Documents Volume 2 Of 2 December 11 2023
(7) https://www.canlii.org/en/ns/nssc/doc/2024/2024nssc253/2024nssc253.html

CANADA, CANADIAN DECISIONS, CANS

One Reply to "Citizens Alliance Of Nova Scotia (CANS) Has Case Dismissed For Mootness"

CANS

FEBRUARY 5, 2026 AT 2:59 AM

This is a thoughtful and much appreciated analysis. It's ludicrous that the Supreme Court judiciary is ok with the government breaking the law; really brings home the fact that we are indeed ruled by corrupt entities. It almost guarantees that we push back harder and smarter 🙂